

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference P14168PCDK	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DK 03/00005	International filing date (day/month/year) 07.01.2003	Priority date (day/month/year) 07.01.2002
International Patent Classification (IPC) or both national classification and IPC A45D24/32		
Applicant SNATCHERS COMPANY A/S et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 12.07.2003	Date of completion of this report 06.04.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Acerbis, G Telephone No. +49 89 2399-6895 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/DK 03/00005**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-15 as originally filed

Drawings, Sheets

1/9-9/9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-15
Inventive step (IS)	Yes: Claims	
	No: Claims	1-15
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-3 308 500 (WOODRUFF O.G.) 14 March 1967 (1967-03-14)

D2: US-A-5 768 748 (SILVERA TANYA ET AL) 23 June 1998 (1998-06-23)

The document D1 was not cited in the international search report. A copy of the document is appended hereto.

2. The document D1 (see column 1 lines 27 to 32, column 2 lines 12 to 70, column 3 lines 12 to 30; figures) is regarded as being the closest prior art to the subject-matter of claims 1 and 4, and discloses (the references in parentheses applying to this document):

2.1. A device for removing undesired occurrences in hair and fur, where the device includes a mouthpiece (12) adapted to engage one end of a tube attached to a source of vacuum (column 2 lines 12 to 20), the mouthpiece including a mouth and at least one comb (58,68) attached thereto, whereby the mouthpiece (12) has a substantially elongated shape, the mouth of the mouthpiece (12) is arranged longitudinally inclining, forming a first angle relative to the longitudinal axis of the mouthpiece (column 2 lines 24 to 28), the comb (58, 68) is arranged to form a second angle relative to the longitudinal axis of the mouthpiece (12), and that the comb (58, 68) covers less than half of the mouth of the mouthpiece (fig 1);(cf. claim 4).

2.2. The subject matter of present claim 4 is therefore not allowable (Article 33(2) PCT).

2.3. The same document discloses also a method (See column 1 lines 13 to 53) with all the steps of present claim 1 at least by implication; therefore also the subject matter of present claim 1 is not allowable (Article 33(2) PCT).

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3. Document D2 (see especially fig 3) discloses also all the technical features of present method claim 1 and of the device claimed in present claim 4 (the inclination of the mouth in respect of the mouthpiece is clearly visible in fig 3 and is described in column 3 lines 38 to 45)

3.1. From the above it appears that all the features of claim 1 and 4 are known also from document D2 at least by implication and said claims, theirs subject matter lacking novelty, are hence not allowable (Article 33(2) PCT).

4. As for the dependent claim

4.1. The dependent claims will fulfill the requirements of Article 33 PCT when related to an independent claim that fulfill the requirements of Article 33 PCT. In the present case, the dependent claims merely concern preferred embodiments of the invention which do not contain any features which meet the requirements of the PCT in respect of novelty or inventive step.